

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

In the Matter of:)	Board Case No. 2197
)	
MARVIN COLVIN, D.O.)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW AND
Holder of License No. 2771 for the)	BOARD ORDER
Practice of Osteopathic Medicine and)	
Surgery in the State of Arizona.)	
_____)	

INTRODUCTION

This matter came before the Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") for final consideration and decision at the Board's public meeting held on December 13, 1997. Pursuant to its statutory authority at A.R.S. § 32-1855(E), the Board held an Informal Interview on December 13, 1997. During the course of these proceedings, Marvin Colvin D.O. (hereinafter "Respondent") was present and represented by legal counsel, James R. Taylor.

Based upon Respondent's testimony and documentary evidence submitted to the Board, the board issues the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent is the holder of License No. 2771 authorizing him to engage in the practice of osteopathic medicine in the State of Arizona.
2. On March 10, 1997 the Board open Complaint No. 2197 based upon receiving an allegation of unnecessary death due to misdiagnosis from improper workup and inappropriately assuming care of a patient that was under the care of another physician.
3. On December 13, 1997 Respondent appeared before the Board at the Informal Interview and testified that he felt he had treated the patient properly.

CONCLUSIONS OF LAW

1. This matter is within the jurisdiction of the Arizona Board of osteopathic Examiners in medicine and Surgery pursuant to A.R.S. § 32-1801 et seq. and the regulations promulgated thereunder.
2. Respondent's action in not following up with the patient in a timely manner for acute abdominal pain violates A.R.S. § 32-1854(6), practice which falls below the community standard, A.R.S. § 32-1854(40), practice which endangers patient's health and A.R.S. § 32-1854(46), practice which is negligent.

3. Respondent's acts in violating A.R.S. § 32-1854, which acts constitute unprofessional conduct, constitute grounds under which the Board may impose disciplinary action against Respondent pursuant to A.R.S. § 32-1855(E).

ORDER

IT IS HEREBY ORDERED that the following disciplinary action is taken against Marvin Colvin, D.O. as follows:

1. Dr. Colvin is censured for unprofessional conduct as more specifically described in the previously set forth Conclusions of Law at paragraphs 2 and 3.

2. Dr. Colvin is placed on probationary status for a period of two (2) years and ordered to comply with the following terms and conditions of probation:

(A) Commencing from the date of issuance of this Order, Dr. Colvin shall obtain a minimum of 20 hours of continuing medical education credit in the areas of inflammatory bowel diagnosis and treatment. Respondent shall submit to the Board's Executive Director documentation confirming his attendance and completion of the education program approved by the Board; and, this requirement for continuing medical education shall be in addition to the minimum statutory requirement for renewal of Board license as specified at A.R.S. § 32-1825(B).

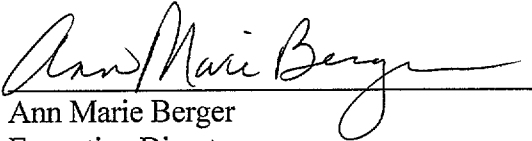
(B) Respondent shall pay all costs arising from the Board's investigation, informal interview hearings and continuing monitoring of the requirements of this Order and, payment of the costs shall be completed within ten days of receipt of the amount issued by the Board.

(C) In order to assure compliance with the Order, the Board's staff physician shall conduct a review of patient charts and Dr. Colvin shall cooperate in such review by providing those charts requested by the Board staff physician; and, the staff physician shall report on whether the Respondent is in compliance with the terms of this probationary order for maintaining patient records or any other substantial issues regarding quality of care or other possible evidence of unprofessional conduct.

3. Failure to comply with the terms of this Order shall constitute an act of unprofessional conduct in accordance with A.R.S. §32-1854.26 "Violation of a formal order, probation or a stipulation issued by the board under this chapter."

ENTERED and effective this 30th day of December, 1997.

ARIZONA BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY


Ann Marie Berger
Executive Director

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